Rules under Act XX of 1881.

(*Sind Incumbered Estates.*)

Rules under Section 31 of the Act.

(1)*Notn., dated 27th April 1877, S. O. G., 1877, Pt. I, p. 360.*—Rules made by the Commissioner in Sind under Section 30 of Act XIV of 1876, with the previous sanction of the Honourable the Governor of Bombay in Council :—

1. All subordinate officers entrusted under this Act with the collection, receipt, or custody of moneys or valuable properties shall furnish security to the extent of three years' salary.

2. The notices required to be issued under Sections 11 and 25 shall be in the Forms A and B, appended to these Rules.

3. Every Manager appointed under Section 6 of this Act should make the enquiry prescribed by Section 11, and shall prepare the schedule of debts and liabilities, and the scheme for the settlement thereof required by Section 16 in the following manner.

4. He shall ascertain the principal sum or sums originally or from time to time lent by each of the creditors severally, and this sum or these sums, with 9 per cent. per annum simple interest from the time when the debt was incurred up to the date on which the order provided for in Section 7 of the Act is published, and no further, shall in each case be the amount awarded, but subject to the following conditions : —

I.—The amount of interest shall in no case exceed that of the principal.

II.—The heir in the second generation of the person who originally incurred the debt to pay the principal only and no interest.

III.—The amount assigned in settlement of bonds held for services rendered by the creditor to be determined by the Manager after hearing evidence of the service in question.

IV.—No interest to be allowed on debts whose accounts to the satisfaction of the Manager are not produced.

V.—When the first principal is not satisfactorily proved, a deduction of 50 per cent. to be made from the amount of the debt as it stands at the first stage at which satisfactory proof of the existence of the debt is given.

VI.—When no accounts are produced, the claim shall be disallowed, unless the debtor acknowledges the receipt of a sum in cash, in which case that sum shall be treated as the principal of the debt, but no interest shall be allowed.

VII.—Interest not to be allowed on account of debts in the absence of any specification that it shall be allowed.

(*For additional clause VIII, see Government Resolution, Revenue Department, No. 3161, dated 22nd June 1878, printed at page 481, infra.*)

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(1) This Notification, issued under Act XIV of 1876, is kept in force by Act XX of 1881, Section 2.

5. All payments made by the Jágirdár or Zamindár to any creditor, or profits which have been enjoyed by such creditor towards the liquidation of any debt or liability before the settlement under the Act, shall be deducted from the principal sum of the said debt or liability, and interest on an amount equal to such deducted sum shall be disallowed from the time of such payment or enjoyment, and the Manager shall be competent to decide on the amounts of profits realized under such enjoyment after examining such proofs as are presented to him.

6. Whenever a bond or decree or other claim has been transferred by sale, gift, or otherwise from the original holder to any other person, the present holder shall be called upon to support his claim by the same proofs as if he were the original holder.

7. (*For substituted Rule 7, see Government Resolution, Revenue Department, No. 3151, dated 22nd June 1878, printed at page 481, infra.*)

8. If the principal of all the debts, with simple interest at 9 per cent., shall exceed the amount which may be estimated to be available for the settlement of the creditors' claims as provided for in Section 10 of the Act during the period the estate shall be under management, then no interest shall be allowed on such debts as were not incurred by the present Jágirdár or Zamindár. If the amount be then still in excess of the aforesaid amount, the rate of interest to be awarded on the remaining debts shall be decreased until their amount falls within the requisite limit. For the purposes of calculation under this rule, (20) twenty years shall be taken as the limit of the period of management.

9. In deciding what claims are admissible for settlement, and to what amount they shall be admitted, it shall be competent to the Manager to appoint a Committee of experienced Natives—consisting of three persons, of whom one only shall be in the service of Government—to assist him, and it shall further be competent to the Manager to reimburse the said Committee for their necessary expenses out of a percentage to be reserved on the rents and profits which the Manager may receive to cover all charges arising directly from the special nature of his duties.

10. Provided, however, that if the creditors of any estate shall of themselves produce a schedule of the original sums lent by them severally signed by the debtor, and both parties shall consent to the said schedule in presence of the Manager, it shall be competent to the said Manager to accept such schedule without further investigation, and to make it the basis of the settlement.

11. If the creditors shall agree to accept a sum of money from the Government Treasury in immediate satisfaction of all their claims on any estate, it shall be competent for the Manager, with the sanction of the Commissioner in Sind, to order such payment, provided that the creditors shall first severally sign receipts in full for all their claims on the estate, and that if any fraud is subsequently discovered to have been committed by any creditor, in respect to any money received by him under this rule, such creditor shall be liable to forfeit all sums so received, and all claim to further compensation for any debt due to him which may have been notified to the Manager for satisfaction under this Act. And all sums advanced by Government under this rule, shall be recovered from the estate in the same manner as other debts due, or liabilities incurred, to the Crown or Government may be recovered under this Act.

12. In estimating the amount of cash composition to be paid for admitted claims, the following points should be considered :—

(*a*)—The income of the debtor, the amount of the debt, and the probability that the creditor would have been able to recover his debt if this Act had not been passed.

(*b*)—The nature of this particular debt.

(*c*)—The period for which the debt had been outstanding.

(*d*)—The interest hitherto enjoyed by the creditor, the rate of interest originally fixed, and the proportion between the amounts due as principal and interest, respectively, at the present time.

13. Advances made with the object of facilitating the settlement of the claims against any Jágirdár or Zamindár's estate brought under the provisions of the said Act shall, when the Commissioner in Sind shall so direct, be chargeable with interest at the rate of (5) five per cent.

14. When the condition of an estate shall be found sufficiently prosperous, it shall be competent to the Commissioner in Sind to make such further awards beyond what is permitted by the previous rules, as the circumstances shall seem to warrant.

APPENDIX A.

NOTICE UNDER SECTION 11 OF ACT XIV OF 1876.

No.

Station and date.

Whereas the management of the undermentioned estate, belonging to (name and father's name) has, by order of the Commissioner in Sind dated _____, been vested in me as the Manager appointed under Act XIV of 1876 :

I hereby give notice and require, under Section 11 of the said Act, that all persons having claims against the said _____, or against the said property under my management, shall notify the same in writing to me within six months from the date of the publication of this notice.

Every claimant is hereby required to present full particulars of his claim, and to produce at the same time, or to cause to be produced, every document or book containing any entry regarding his claim, on which he may found such claim, or on which he may rely in support thereof.

Description of property situation, and boundaries.

Manager.